REMARKS

Claims 1, 3, 4, 18, 20, 22, and 24-28 are pending and have been allowed. Claim 1 is being amended.

Claim 1 is being amended to correct an informality. One of the recited compounds, triacetylcytidine, is a cytidine derivative. The words 'or cytidine' have been inserted after 'acylated derivative of uridine' to provide antecedent basis for the recited triacetylcytidine. Support for 'acylated derivative of . . . cytidine' may be found, among other places, in original claim 1. Applicants maintain that the amendment does not raise an issue of new matter. Entry of this Amendment is respectfully requested.

Examiner Olson and the undersigned attorney discussed this amendment in a telephone interview on June 10, 2010. It was agreed that the amendment is not intended to and does not change the scope of the claim. Examiner Olson said that he "would definitely enter that amendment."

The Office determined that the allowed claims are entitled to an effective filing date of June 25, 1992, and are not entitled to an earlier effective filing date based on the applications filed before 1992 whose benefit was claimed by Applicants (Notice of Allowability, p. 4). Applicants do not now take a position as to whether the claims are entitled to an earlier effective filing date, since it appears that there is no need to do so to resolve any issue of patentability. But Applicants reserve the right to reconsider the issue should it become necessary to do so.

The Statement of Reasons for Allowance correctly stated, "The prior art does not disclose a method using triacetyluridine, ethoxycarbonyluridine, or triacetylcytidine to treat toxicity of a pyrimidine nucleoside." (Notice of Allowability, p. 6). The allowed claims relate to a method for treating hematopoietic or mucosal toxicity due to certain pyrimidine nucleoside analogs in an animal, comprising administering to the animal a pharmaceutically effective amount of triacetyluridine, ethoxycarbonyluridine, or triacetylcytidine. Neither Davidson, et al. ("'Platinum-Pyrimidine Blues' and Related Complexes: A New Class of Potent Antitumor Agents," Cancer Chemotherapy Reports Part 1, 59(2):287-300, 1975), nor the other prior art of record discloses or suggests a method using triacetyluridine, ethoxycarbonyluridine, or triacetylcytidine — either complexed or uncomplexed — to treat the toxicity of pyrimidine nucleoside analogs, including the pyrimidine nucleoside analogs recited in the claims.

No fee, other than the accompanying issue fee, is believed necessary in connection with the filing of this Amendment. If any additional fee is required, the Commissioner is authorized to charge the amount of such fee to Deposit Account No. 50-1677.

Respectfully submitted,

/Lewis J. Kreisler/

_____

Lewis J. Kreisler
Reg. No. 38522
Attorney for Applicant(s)

930 Clopper Road
Gaithersburg, MD 20878
Phone: (240) 631-2500 x3276
Facsimile: (240) 683-3794